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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

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In re NICHOLAS K., a Person Coming  
Under the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

NICHOLAS K.,

Defendant and Appellant.

C062564

(Super. Ct. No.  
JDSQ070000498)

This is an appeal pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*) from a victim restitution order in a delinquency case.

Based on evidence that, on or about July 13-15, 2007, the minor and others broke into a house and stole a car, the juvenile court found the minor committed burglary and vehicle theft. (Pen. Code, § 459; Veh. Code, § 10851, subd. (a); Welf. & Inst. Code, § 602.)

In August 2007, the minor was placed at the Crystal Creek Boys Ranch. In December 2007, he was released back to his parents.

The victims submitted an itemized list of losses, based on items taken or damaged, or costs that allegedly resulted from the burglary. The total claim was for \$94,774.06.

The minor filed a written opposition, contesting some specific items, and objecting to the lack of detailed support for the bulk of the items.

The prosecutor later reduced the claim, to account for some damages not attributable to the minor's conduct, to \$94,026.06. The victims submitted a more detailed list of the claimed items and the basis of their valuations.

At the restitution hearing, a representative of the victims' insurer identified various documents related to the insurance claim. A crime scene investigator who had photographed the home described it as "almost like a frat house. It looked like several people were in there and they just went ahead and partied up the residence." A detective testified that one of the victims had initially estimated the jewelry losses at about \$10,000, and had not described certain high-value pieces later claimed.

A defense investigator testified that one of the victims told him they had not submitted all of their losses to the insurance company because they thought the persons responsible for the burglary should pay for their losses, not their insurer. He also compared the value of lost or damaged items attributable

to defendant that were submitted to the insurer with the victim restitution claim, and found a difference of \$13,729.99. It was common for burglary victims to increase their claims over time, as they discover more items missing from their home than originally thought to be missing. One of the victims in this case told the investigator that her property list was maintained on a computer that itself had been stolen.

Another defense investigator testified she used the Internet to comparison-shop for some of the items described to her by one of the victims, showing a difference of nearly \$5,000 from the restitution claim.

At a continuation of the hearing in May 2009, the prosecutor argued that, based on the evidence, the minor should be ordered to pay \$74,000 in victim restitution.<sup>1</sup> The juvenile court agreed, and ordered the minor to pay \$74,000 in victim restitution. The minor timely filed this appeal from that order.

We appointed counsel to represent the minor on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (See *Wende*, *supra*, 25 Cal.3d 436.) The minor was advised by counsel of the right to file a supplemental brief within 30 days of the date of

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<sup>1</sup> The prosecutor recommended that a coperpetrator be ordered to pay \$75,000 in victim restitution. That coperpetrator is not a party to this appeal.

filing of the opening brief. More than 30 days elapsed, and we received no communication from the minor. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to the minor.

DISPOSITION

The restitution order is affirmed.

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CANTIL-SAKAUYE, J.

We concur:

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BLEASE, Acting P. J.

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HULL, J.